

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12458 of 2004

Between:

Govind Naveen S/o Bala Kistaiah
R/o.Lakshmi Nagar, Godavarikhani Karimnagar District. ... **PETITIONER**

AND

- 1 The State of A.P., rep. by its Principal. Secretary, Higher Education,
(Technical) Department, Secretariat, Hyderabad.
- 2 The Commissioner of Director Technical Education Govt. of A.P.,Hyderabad.
- 3 All Indian Council for Technical Education rep by its Secretary Indira Gandhi
Sports Complex I.P Estate New Delhi.
- 4 The Director AICTE Southern Regional committee Sastri Bhavan 26,
Haddows Road, Nungambakkam, Chennai
- 5 Vivekananda Educational Trust rep by its Chairman Koleti Nagabhushanam
S/o. Rajaiah, R/o.Kamanpur Vg an Mandal Karimnagar District.
- 6 Vivekananda Educational Trust rep by its Secretary M.Krishna Murthy S/o.
M.Lingaiah, R/o. Pragathinagar, Peddapally Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus directing the respondents 1 to 4 herein to cause an enquiry with regard to ownership of land in Sy.No.79/A extent 0.23 gts. situated at Malkapur Vg., Godavarikhani (M) and also take appropriate action before according any permission for establishing an Engineering College by the 5th and 6th respondents Trust in response to the representation dt.22.6.2004 and 3-7-2004 made by the petitioner through his counsel Sri Vishweshwar Rao Pingali, Advocate by duly declaring the in action on the part of the respondents 1 to 4 in not taking any steps even after receipt of the

representations dt.22.6.2004 and 3.7.2004 which were sent by the petitioner disputing the ownership of 5th respondent in respect of the land in Sy.No.79/A extent 0.23 gts situated Malkapur Village Godavarikhani through his counsel as illegal, arbitrary and unjustified in the facts and circumstances of the case.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.: GP FOR HIGHER EDUCATION

The Court made the following:

ORDER:

Since the petitioner is claiming title in respect of the land in Survey No.79/A of an extent of 10-00 guntas basing on the agreement of sale dated 22-05-1991 and disputing the title of the respondent-Vivekananda Educational Trust over the said land, neither this Court nor the respondents 1 to 4 can decide the said title nor a writ can be issued directing the respondents 1 to 4 to decide the title between the petitioner and the respondent-Vivekananda Educational Trust. In view of above, the proper remedy available to the petitioner is to approach the competent Civil Court. In fact he invoked the jurisdiction of the Civil Court by way of filing O.S.No.101 of 2004 on the file of the Court of Junior Civil Judge, Godavarikhani, for declaration of title and for perpetual injunction in respect of the disputed land, which is pending adjudication. In view of the same, it is open for the petitioner to seek necessary reliefs before the Civil Court itself.

Under the above facts and circumstances of the case, the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petition is accordingly dismissed at the admission stage. No costs.

19-07-2004

ghn/tsnr

To

1 The Principal Secretary, State of A.P., Higher Education,
(Technical) Department, Secretariat, Hyderabad.

2 The Commissioner of Director Technical Education Govt. of A.P., Hyderabad.

3. Two CCs to Government Pleader for Higher Education.

4. Two CD copies.